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SMART & BIGGAR
P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA, ON K1P5Y6
CANADA

EXAMINER
PICH, PONNOREAY

ART UNIT	PAPER NUMBER
2135	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr>
<td rowspan="2">Office Action Summary</td>
<td>Application No.
09/892,490</td>
<td>Applicant(s)
PARKHILL ET AL.</td>
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<td>Examiner
Ponnoreay Pich</td>
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2135</td>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 April 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12 and 14-21</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration. .

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12 and 14-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claims 1-12 and 14-18 are pending.   Claim 13 was cancelled. The amendments to claims 1, 14, and 17 have been noted. Any objections or rejections not repeated below for record are withdrawn due to applicant's amendments and/or arguments. Any well known art statements in the prior office action not adequately or specifically traversed are taken as admittance of prior art as per MPEP 2144.03.

Response to Arguments

Applicant's arguments have been fully considered.

As per the 112, second paragraph rejections of the term "assertion" and "assertion validity", applicant states that enclosed documents, "Orchard-Maler Assertion Proposal" and Webster's Dictionary (version published in 1994), define a plain meaning of the term assertion and thus the meaning of assertion and assertion validity should be clear. The examiner does not see the documents that applicant has indicated as being enclosed as part of the application file. It is unknown if applicant forgot to include the documents in mailing or if the Office contractors overlooked the documents when scanning in applicant's submissions. However, the examiner notes that since applicant has stated in the remarks filed 4/24/2006 that applicant meant for an assertion to mean "a declaration of fact", it will be assumed that this is the definition to be used in the present application. Please note that the examiner raised the rejections because in consulting with two other primary examiners about the case, the primary examiners believed that the meaning of the terms were indefinite as applied to the current application.

Applicant applied 101 analysis as presented in Annex I of the Interim guidelines issued by the Office in October 2005 in the arguments of the 101 rejections presented in the last office action. Applicant noted that in the present application are claims to methods, claims to systems, and claims to computer readable media. The examiner notes that while the flowchart in Annex I helps in the 101 analysis, the entire Interim guideline should be considered since the flowchart does not go into detail on how the analysis is done. Note that the first step of the flowchart for determining subject matter eligibility states: "Determine What Applicant has Invented and is Seeking to Patent". Part of that step is to "identify and understand any utility and/or practical application asserted for the invention". Going to page 4 of the Interim guideline which discusses this particular step, it is noted that the guideline states: "The claimed invention as a whole must be useful and accomplish a practical application. That is, it must produce a concrete, useful, and tangible result."

Applicant states that the claimed subject matter is directed [towards] the practical realm of managing the sale of assertions between names and public key certificates in bulk. However, please note that on page 38, second paragraph of the Interim guideline, it is stated that "in determining whether the claim is for a 'practical' application, the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather the final result is 'useful, tangible and concrete ... it is of little relevance whether a claim is directed towards a machine or process for the purpose of ... 101 analysis". In other words, we must also consider if there is a concrete, useful, and tangible result—if not, then even if the claim recites an intended practical

application, because the intended practical application has not been accomplished,

there is no practical application. The examiner notes that in the 101 rejections made in

the prior office action which stated that there is no practical application the examiner

also pointed out that there is no concrete, useful, and tangible result. In the 101

rejection of claim 1 for instance, the examiner stated that it is not clear that there is a

concrete, useful, and tangible result. The steps of claim 1 causes time to be sold and

an assertion to be generated and revoked on request. However, because the assertion

has not been used, stored, or displayed there is not a tangible result yet. For example,

a calculator which operates on two numbers does not yield a tangible result until that

result is stored or displayed. Until then, what the calculator has accomplished is mere

transformation of data (see page 49 of Interim guideline for discussion on how per se

data transformation has no substantial practical application). Likewise, in claim1, it is

recited that the method is of providing assertions (the intended practical application), but

after following the steps in claim 1, it is noted that in the first step, time is sold. In the

second step, an assertion is generated, but because it has not yet been provided to a

user or stored, it is not a tangible result. In step 3, the assertion is revoked. Since the

assertion was revoked, it is unclear how the intended practical application of providing

assertions was accomplished.

The examiner notes that on page 10 of arguments submitted, applicant states

that the question of whether there is a practical application that produces a useful,

tangible, and concrete result (i.e. State Street test) is not applicable because there is no

Judicial exception found. However, as discussed above, in considering the guideline as

a whole and not just the flowchart, we see that the question of whether there is a concrete, useful and tangible result should have been asked as one of the first steps of determining subject matter eligibility.

Applicant argues that the examiner's rejection of claim 3 under 35 USC 101 is incorrect because a computer implemented system is A) a system—not software per se and B) computer implemented—not software per se. The examiner respectfully disagrees. It is noted that any type of software depends on a computer or machine of some sort to allow it to achieve its functionality, therefore in a sense, any software is computer implemented. Further, one of ordinary skill should appreciate that the term "system" can refer to software alone, i.e a computer's operating system refers to a software system. It is also noted that while the preamble states that the claim is towards a computer implemented system, in the body of claim 1 where applicant defines what the system comprises, only software are listed. Nowhere is there a computer listed. The fact that the preamble recites that the system is computer implemented is immaterial because a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). As per claim 3, what is recited in the claim was either disclosed in the specification as being software or is understood by one of ordinary skill as capable of being implemented as software alone.

Applicant's arguments of the 103 rejections in the prior office action were also fully considered, but were not persuasive. With regards to "selling a pool of unallocated time", applicant referred the examiner to paragraphs 32 and 40 of Lopez where applicant argues that talk time is disclosed as being calculated rather than purchased. Applicant states that Lopez discloses purchasing a pool of credit. Applicant argues that because the credit/time rate is not fixed, purchasing credit is not equivalent to purchasing a specific amount of time. Applicant states that because as indicated in paragraph 7 the prepaid talk time varies with the location, subscriber category, cell identification, time of call, and/or the predetermined rate, then the credit units on the prepaid account do not correspond to a fixed amount or pool of time. The examiner does not find this argument persuasive because paragraph 7 also states that any **one** or more of the parameters listed may be used to determine the available talk time. Using just a predetermined rate to determine the time/credit ratio would mean that there is a fixed ratio between time and credit and therefore whether one keeps track of time directly or calculate time from credit, the end result is that one is keeping track of time. Further, the limitation being argued is "selling a pool of unallocated time" and there is nothing recited in the claims which limit how time is being tracked. The claim appears to even be broad enough where time can be tracked in terms of credit units and the time to credit ratio can vary depending on various parameters.

With regards to "subtracting the lifetime from the unallocated time", applicant makes a similar argument in that since time is calculated from credit, it is credit which is subtracted not time. This argument is found to not be persuasive for the same reasons

given above. Whether one keeps track of time directly or time in terms of credit is immaterial since the end result is the same. Further, in paragraph 22 Lopez states "[t]he prepaid account is locked, decremented by a preselected portion of time...". The examiner respectfully submits that that clearly time is being subtracted from an account.

With regards to "adding any remaining lifetime to the unallocated time", applicant argues Lopez instead discloses crediting credit units to the pool of credit. As already stated, it is immaterial whether one keeps track of time directly or keeps track of time in terms of credit units. This argument is traversed for substantially the same reasons already given.

Applicant argues the examiner has provided no motivation for combining the Lopez and Hsu references. The examiner respectfully disagrees. Motivation was clearly given in the prior office action. Applicant disagreeing with the motivation given does not change this fact and does not mean that no motivation was given.

Applicant argues that the Hsu and Lopez searches do not ever reference a single common class and that if experts on searching do not think the classes were relevant to the other patent, then it is hardly likely one skilled in the art would consider searching these two classes. Applicant argues Lopez is a subclass of 705 (business practice) and Hsu is classified in 380 (cryptography). Applicant argues Hsu does not mention prepaid calling cards or time and Lopez does not mention cryptography or security. The examiner respectfully notes that whether or not the references used are classified in a common class is immaterial to whether or not experts in searching and one of ordinary skill would consider one reference is relevant to the other patent. The examiner is

unaware of any case laws which states that two patents must be from the same class to

be considered relevant to each other. Further, note that Lopez is classified in 705/63,

which is a further subclass of 705/50 (business processing using cryptography).

Searches in 705/50 and its further subclasses often lead to also searching class 380

(cryptography) and vice versa. As per the argument that Hsu does not mention prepaid

calling cards or time and Lopez does not mention cryptography or security, applicant

correctly notes that there are three possible sources for a motivation to combine

references: the nature of the problem to be solved, the teachings of the prior art, and

the knowledge of persons of ordinary skill in the art. Applicant also states that Hsu's

certificate are short lived, thus there is no significant requirement to save unused time

because unused time for these certificates is minimal. The examiner respectfully

disagrees. Hsu's certificates can last as long as almost a month (col 5, lines 11-28).

While compared to traditional certificates, also disclosed by Hsu, this is a relatively short

amount of time, should it become necessary to revoke the certificate, the examiner

respectfully submits that unless one is so rich that one has no need to care about

wasting money spent on a service, most people (including one of ordinary skill in the

art) would prefer to have any unused service credited back to their account. This

especially applies to the prior art certificates disclosed by Hsu which last longer than the

ones supplied by his invention. The motivation given by the examiner in the prior office

action comes from knowledge of one of ordinary skill in the art—i.e. one skilled should

appreciate that customers would be more likely to purchase a service if they are aware

that they are unlikely to lose money for any services not fully used. As such even

though Hsu only discusses certificates, one skilled would have been motivated to

search out the teachings of Lopez to provide a better business model for the certificate

sellers disclosed by Hsu.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 1-12 and 15-16 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claim 1:

Claim 1 is directed towards a computer-implemented method of providing

assertions. In following new Office guidelines in determining whether or not the claimed

computer related invention is statutory or not, the examiner respectfully notes that it is

not clear that a concrete, useful, and tangible result is recited in claim 1. The method is

directed towards providing assertions, but it is unclear what practical application just

providing assertion would yield. The examiner notes that the 101 rejection can be

overcome if applicant recites a practical application for the method and recites using the

assertion for something.

Claim 2:

Claim 2 also does not recite a practical application and use for the assertion and

is not statutory.

Claim 3:

Claim 3 recites a system comprising a repository, a purchase component, a

request component, and a revocation component. Applicant's specification discloses

that a repository is a database, which is software and a purchase component, a request

component, and a revocation component as being implemented via software. Because

claim 3 appears to be directed to software per se, claim 3 is not statutory. According to

the new 101 guidelines, applicant would have to recite at least one hardware

component to overcome the 101 rejection.

Claims 4-6:

Claims 4-6 further define the software system of claim 3, but also do not recite

any hardware, thus are not statutory. If applicant recites a hardware component for the

system of claim 3, claims 4-6 would become statutory.

Claim 7:

The method of claim 7 does not recite a concrete, useful, and tangible result and

thus is not statutory.

Claims 8-10:

Claims 8-10 also do not recite a concrete, useful, and tangible result and are not

statutory.

Claim 11:

The method of claim 11 does not recite a concrete, useful, and tangible result

and thus is not statutory.

Claim 12:

Claim 12 also does not recite a concrete, useful, and tangible result and is not statutory.

Claim 15:

Claim 15 is directed towards a system comprising software means, thus is directed towards software per se and is not statutory. According to the new 101 guidelines, the system being computer implemented is immaterial to determining whether or not the system is statutory and for it to be statutory. The claim must recite at least one hardware component to be statutory.

Claim 16:

Claim 16 also is directed towards software per se as the means for monitoring is disclosed in the specification as a software means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 17-18, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al (US 5,982,898) in view of Lopez et al (US 2002/0103762).

Claim 1:

Hsu discloses the limitation of:

1. Upon request, generating an assertion between a name and a public key, the assertion having a lifetime (col 4, line 56-col 5, line 7).

2. Upon request, revoking an assertion (col 3, lines 19-26).

Hsu does not disclose:

1. Selling a pool of unallocated time.

2. Subtracting the lifetime from the unallocated time.

3. Adding any remaining lifetime to the unallocated time.

However, Lopez implicitly discloses selling a pool of unallocated time (p4, paragraph 35, lines 19-24). Lopez discloses subtracting the lifetime from the unallocated time (p4, paragraphs 36 and 38). Lopez discloses adding any remaining lifetime to the unallocated time (p3, paragraph 32, lines 1-10).

At the time applicant's invention was made, it would have been obvious to one of ordinary skill in the art, from Lopez's teachings, to modify Hsu's invention according to the limitations recited in claim 1. One of ordinary skill would have been motivated to do so because Lopez's teachings of refunding unused time would allow the customers of the certificate authorities disclosed by Hsu to not have to worry about wasting money if a certificate they paid for becomes compromised and they have to cancel the certificate before the time the certificate would naturally expire.

Claim 2:

Lopez further discloses the further step of eroding unallocated time over time (p5, paragraphs 42-43).

Claim 17:

Claim 17 is directed towards a computer readable medium having instructions stored thereon for execution on processing platform to execute the method of claim 1 and is rejected for the reasons set forth in claim 1.

Claim 18:

Claim 18 is directed towards a computer readable medium having instructions stored thereon for execution on processing platform to execute the method of claim 2 and is rejected for the reasons set forth in claim 2.

Claim 11:

Hsu implicitly discloses the limitation of identifying an assertion to be revoked, the assertion having a remaining lifetime (col 3, lines 19-26). In the cited passage, Hsu discloses that an assertion is revoked before its natural lifetime is reached due to it becoming compromised. This implies having to identify the assertion.

Hsu does not discloses the limitations of:

1. Maintaining an unallocated time, the unallocated time being time available for assertions.

2. Adding the remaining lifetime to the unallocated time.

However, Lopez discloses maintaining an unallocated time, the unallocated time being available of services (p4, paragraph 35, lines 19-24) and adding the remaining lifetime to the unallocated time (p3, paragraph 32, lines 1-10).

At the time applicant's invention was made, it would have been obvious to one of ordinary skill in the art to modify Hsu's invention using Lopez's teachings according to the limitations recited in claim 11. One of ordinary skill would have been motivated to combine Hsu and Lopez's teachings for the same reasons given in claim 1.

Claim 12:

Hsu further discloses wherein the assertion is a public key certificate (col 2, lines 12-32).

Claims 3-5 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al (US 2002/0103762) in view of Hsu et al (US 5,982,898).

Claim 3:

Lopez discloses the limitations of:

1. A repository containing unallocated time, the unallocated time indicating an amount of time available for a service (Fig 4, items 50).

2. A request component adapted to deduct the requested lifetime from the unallocated time (p4, paragraph 38).

3. A revocation component adapted to add the remaining lifetime to the unallocated

time (p4, paragraph 40, lines 14-19).

Lopez does not explicitly disclose:

1. The service being assertions.

2. A purchase component adapted to add a requested bulk lifetime to the

unallocated time.

3. The deduction of the requested lifetime from the unallocated time being done

upon generation of an assertion.

4. Revocation of an assertion.

However, Hsu discloses a service being assertions (Fig 3). Hsu discloses

generation of an assertion with a requested lifetime (col 4, line 56-col 5, line 7). Hsu

discloses revocation of the assertion having a requested lifetime (col 3, lines 19-26).

In light of the above, at the time applicant's invention was made, it would have

been obvious to one of ordinary skill in the art to combine Lopez and Hsu's teachings

such that the unallocated time indicated an amount of time available for assertions;

upon generation of an assertion with a requested lifetime, deduct the requested lifetime

from the unallocated time; and upon revocation of the assertion having a remaining

lifetime, add the remaining lifetime to the unallocated time. One of ordinary skill would

have been motivated to combine Lopez and Hsu's teachings for the same reasons

given in claim 1.

Hsu also does not explicitly disclose a purchase component adapted to add a

requested bulk lifetime to the unallocated time. However, the examiner asserts that this

was a well known feature at the time applicant's invention was made. For example,

when a calling card is low on minutes, a user is able to buy more minutes to add to the

card to increase the number of minutes available for the account associated with the

card. This reads on a purchase component adapted to add a requested bulk lifetime to

the unallocated time.

It would have also been obvious to one of ordinary skill in the art in light of the

above common knowledge in the art to further modify Lopez and Hsu's combination

invention to include a purchase component adapted to add a requested bulk lifetime to

the unallocated time. One of ordinary skill would have been motivated to do so because

by allowing more time to be added to the unallocated time, it would allow a user of

Lopez and Hsu's combination invention to continually use the same account number for

their prepaid service instead of having to get another account when the unallocated time

runs out.

Claim 4:

Hsu further discloses wherein the assertion is a public key certificate (col 2, lines

12-32).

Claim 5:

Lopez and Hsu does not explicitly disclose the limitations of:

1. Monitor when the unallocated time falls below a threshold.

2. Notify a user associated with the unallocated time if the unallocated time falls

    below the threshold.

However, the examiner asserts that these limitations were well known in the art

at the time applicant's invention was made. Usually when a calling card starts running

low on minutes, the user is alerted that they only have a certain amount of minutes

available. This reads on the above limitations.

At the time applicant's invention was made, it would have been obvious to one of

ordinary skill in the art to further modify Lopez's invention according to the limitations

recited in claim 5. One of ordinary skill would have been motivated to do so as it would

give a user more time to purchase additional time credit for the unallocated time, thus

preventing the account from accidentally running out of time in the middle of active use.

Claim 14:

Lopez discloses the limitations of:

1. Generating an entry in a repository, the entry including an unallocated time (p4,

    paragraph 35, lines 19-24 and paragraph 38).

2. Receiving a request for a service and a requested lifetime (p4, paragraph 35,

    lines 11-24).

3. Deducting the requested lifetime from the unallocated time in the event that a

    request for a service is received (p4, paragraph 35, lines 11-24 and paragraph

    38).

4. Adding the remaining lifetime to the unallocated time in the event that the service is no longer needed (p4, paragraph 40, lines 14-19).

Lopez does not disclose:

1. Receiving a request for a purchase of bulk lifetime.

2. Adding the bulk lifetime to the unallocated time in the event that a request for a purchase of a bulk lifetime is received.

3. Receiving a request for an assertion and a requested lifetime, the assertion being between a name and a public key.

4. The service is an assertion.

5. Receiving an identification of an assertion to be revoked, the assertion having a remaining lifetime.

However, the examiner asserts that receiving a request for a purchase of bulk lifetime and adding the bulk lifetime to the unallocated time in the event that a request for a purchase of a bulk lifetime is received was well known at the time applicant's invention was made. For example, when a calling card is low on minutes, a user is able to buy more minutes to add to the card to increase the number of minutes available for the account associated with the card.

It would have also been obvious to one of ordinary skill in the art, in light of the above, to modify Lopez's invention to allow the addition of a bulk lifetime to the unallocated time in the event a request for a purchase of a bulk lifetime is received.

One of ordinary skill would have been motivated to do so because by allowing more time to be added to the unallocated time, it would allow a user to continually use the same account number for their prepaid service instead of having to get another account when the unallocated time runs out.

Further, Hsu discloses receiving a request for an assertion and a requested lifetime, the assertion being between a name and a public key (col 4, line 56-col 5, line 7). Hsu discloses the service is an assertion (col 4, line 56-col 5, line 7). Hsu implicitly discloses receiving an identification of an assertion to be revoked, the assertion having a remaining lifetime (col 3, lines 19-26).

At the time applicant's invention was made, it would have been obvious to one of ordinary skill in the art to combine the above teachings according to the limitations recited in claim 14. One of ordinary skill would have been motivated to combine Lopez and Hsu's teachings for the same reasons given in claim 1.

Claim 15:

Lopez discloses the limitations of:

1. Means for allocating a pool of unallocated time available for a service (p4, paragraph 35, lines 19-24).

2. Means for processing a request for a service, the service having a lifetime, the means for processing the request subtracting the lifetime from the unallocated time (p4, paragraphs 35, 36, and 38).

3. Means for processing a revocation of an existing service by determining any remaining lifetime of the existing service and adding at least a portion of the

remaining lifetime of the service to the unallocated time (p4, paragraph 40, lines 14-19).

Lopez does not disclose the service is assertion validity and the assertion is between a name and a public key. However, Hsu discloses the service is assertion validity (p2, lines 12-37) and Hsu discloses assertion between a name and a public key having a lifetime which can be revoked (col 3, lines 16-26).

In light of the above, it would have been obvious to one of ordinary skill to combine Lopez and Hsu's teachings according to the limitations recited in claim 15. One of ordinary skill would have been motivated combine Hsu and Lopez's teachings for the same reasons given in claim 1.

Claim 16:

Claim 16 recites limitations substantially similar to what is recited in claim 5 and is rejected for the same reasons given in claim 5.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al (US 2002/0103762) in view of Hsu et al (US 5,982,898) and further in view of Stahl et al (US 5,138,650).

Claim 5:

Lopez and Hsu does not explicitly disclose the limitations of:

1. Monitor when the unallocated time falls below a threshold.

2. Notify a user associated with the unallocated time if the unallocated time falls

below the threshold.

However, Stahl discloses the limitations of "monitor when the unallocated time

falls below a threshold and notify a user associated with the unallocated time if the

unallocated time falls below the threshold" (col 7, lines 12-20). At the time applicant's

invention was made, it would have been obvious to one of ordinary skill in the art to

further modify Lopez and Hsu's combination invention according to the limitations

recited in claim 5 using Stahl's teachings. One of ordinary skill would have been

motivated to do so because Stahl discloses that his teachings would give the user

additional time to purchase more credit (col 7, lines 12-15). In the case of Lopez and

Hsu's combination invention, the credit is in the form of time.

Claim 16:

Claim 16 recites limitations substantially similar to what is recited in claim 5 and

is rejected for the same reasons given in claim 5.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et

al (US 2002/0103762) in view of Hsu et al (US 5,982,898) and further in view of

Anvekar et al (US 2002/0069188).

Claim 6:

Lopez and Hsu do not explicitly disclose wherein the request component determines whether the requested lifetime is greater than the unallocated time, and if the requested lifetime is greater than the unallocated time, presents the user with a set of options for remedying the insufficiency of the unallocated time.

However, Anvekar discloses monitoring the total value of an account and whether the account has sufficient value before allowing service to begin (p3, paragraph 28, lines 1-3). Anvekar further discloses if the account had an insufficient value, alerting the user to this and presenting the user with a set of options for remedying the insufficiency of the account value (p3, paragraph 31, lines 1-5).

From Anvekar's teachings, it would have been obvious to one of ordinary skill in the art to further modify Lopez and Hsu's combination invention such that the request component determines whether the requested lifetime is greater than the unallocated time, and if the requested lifetime is greater than the unallocated time, presents the user with a set of options for remedying the insufficiency of the unallocated time. One of ordinary skill would have been motivated to do so because it would prevent a user from using more time than they have paid for. Note that Anvekar discloses that the delivery of any service desired by a customer may benefit from his teachings (p2, paragraph 21, lines 1-4), i.e. his teachings can be useful in any type of service system. The examiner asserts that providing/managing assertions is a type of service.

Claims 7-10 and 19-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hsu et al (US 5,982,898) in view of Lopez et al (US 2002/0103762)

and further in view of Anvekar et al (US 2002/0069188).

Claim 7:

Hsu discloses the limitation accepting a request for an assertion and a requested

lifetime (col 4, line 56-col 5, line 7).

Hsu does not explicitly disclose:

1. Maintaining an unallocated time, the unallocated time being available for

   assertions.

2. Determining whether the unallocated time is greater than or equal to the

   requested lifetime.

3. Upon determining that the unallocated time is greater than or equal to the

   requested lifetime, deducting the requested lifetime from the unallocated time.

However Lopez discloses maintaining an unallocated time, the unallocated time

being available for services (p4, paragraph 35, lines 19-24). Lopez discloses deducting

the requested lifetime from the unallocated time (p4, paragraphs 36 and 38). At the

time applicant's invention was made, it would have been obvious to one of ordinary skill

in the art to incorporate Lopez's teachings within Hsu's invention to maintain an

unallocated time, the unallocated time being available for the service of assertions. One

of ordinary skill would have been motivated to combine Hsu and Lopez's teachings for

the same reasons given in claim 1.

Further, Anvekar discloses monitoring the total value of an account and whether

the account has sufficient value before allowing service to begin (p3, paragraph 28,

lines 1-3). From Anvekar's teachings, it would have been obvious to one of ordinary

skill in the art to further modify Hsu and Lopez's combination invention such that it

determines whether the unallocated time is greater than or equal to the requested

lifetime and upon determining that the unallocated time is greater than or equal to the

requested lifetime, deducting the requested lifetime from the unallocated time. One of

ordinary skill would have been motivated incorporate Anvekar's teachings because it

would prevent a user from using more time than they have paid for.

Claim 8:

Hsu further discloses forwarding the request for assertion to an entity responsible

for generating assertions (col 2, lines 58-66).

Claim 9:

Hsu further discloses wherein the assertion is a public key certificate (col 2, lines

12-32).

Claim 10:

Lopez further discloses the further step of eroding unallocated time over time (p5,

paragraphs 42-43).

Claims 19, 20, and 21:

Claims 19, 20, and 21 are directed towards a computer readable medium having

instructions stored thereon for execution on processing platform to execute the method

of claims 7, 9, and 10 respectively and are rejected for the reasons set forth in claims 7,

9, and 10 respectively.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-

7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

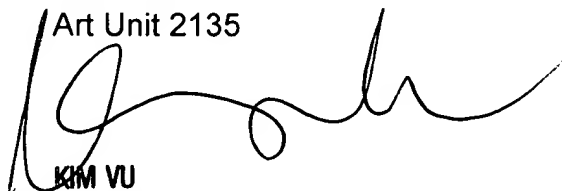Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Ponnoreay Pich
Examiner
Art Unit 2135

PP

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100